

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

June 14, 2006

Duncan J. McNeill, III  
#293752  
Spokane County Jail  
1100 W. Mallon  
Spokane, WA 99260

RE: In re: Kaiser Aluminum Corporation  
Misc. No. 06-41-JJF

Dear Mr. McNeill:

The Court is in receipt of the documents listed below. Pursuant to the Court's Order (D.I. 50) issued on May 8, 2006, no action will be taken on your documents, and the following documents are being returned to you:

1. Letter To The Court Requesting Reasonable Accommodation filed on May 22, 2006;
2. Notice To Clerk Of Violation Of FRCP 5(e) And 1<sup>st</sup> Amend. Of U.S. Const. By The Unlawful Rejection Of Plaintiff's Pleadings filed on May 22, 2006;
3. Appellant's Ex Parte Motion To Reconsider Appointment Of Counsel On Appeal In The Interest Of Justice, Pursuant to 28 USCS,1915(c)(1) And Johnson v. U.S., 352 U.D. 565 (1957) (D.I. 37) originally filed on April 28, 2006 and re-filed on May 22, 2006;
4. Appellant's Ex Parte Motion For An Order Compelling The Bankruptcy Court Clerk To Prepare And Furnish To Appellant 2 Indexed And Bates Stamped, Copies Of The Excerpts Of Record (D.I. 38) originally filed on April 28, 2006 and re-filed on May 22, 2006;
5. Appellant's Ex Parte Motion For Extension Of Time; For Access To Court; For Forms And Rules And Procedures To Be Furnished 30 Day Extension Of Time To File Briefs filed on May 22, 2006 (D.I. 39) originally filed on April 28, 2006 and re-filed on May 22, 2006;
6. Motion For Extension Of Time And Due Process To Obtain Relief From Orders Of 04/18/06 and 04/24/06; Motions For Relief From Orders And To Modify Or Correct Findings Pursuant To FRCP 52, 59 And 60 (D.I. 40) originally filed on May 2, 2006 and re- filed on May 22, 2006;

OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

7. Petition And (1) Request For Judicial Notice; (2) Motion For Findings Of Fact And Conclusions Of Law Per FRCP 52 And 65; (3) Ex Parte For TRO/OSC And Preliminary Injunction Enjoining "Denial Of Access Orders" ("DOA Orders") And Mandating Access To Court To Directly Or Collaterally Attack DOA Orders Where Petitioner Has "Fundamental Interests At State"; (4) For Finding Of "Fundamental Interest" In Support Of TRO/OSC And Preliminary Injunction; (5) For Electronic Service By USDC Clerk And Reasonable Accommodations For Access To Court (D.I. 31) originally filed on April 27, 2006 and re-filed on May 22, 2006.

Very truly yours,  
Peter T. Dalleo, Clerk



Anita Bolton  
Courtroom Deputy

enclosure

cc: The Honorable Joseph J. Farnan, Jr.

REQUEST FOR REASONABLE ACCOMMODATION

Duncan J. McNeil  
SPOKANE COUNTY JAIL  
#293752  
2030 West Spofford  
Spokane, WA 99205

FILE IN:  
CASE NO. 06-41

TO: CLERK USDE

THE ENCLOSED "PETITION AND REQUEST  
FOR INJUNCTIVE RELIEF . . .", ~~NOT~~ AND FOR  
PRELIMINARY INJUNCTION, RECEIVED  
STAMPED 4/27/06, IS FOR FILING IN  
CASE NO. 06-41.

PERSUANT TO ADA AND SECTION 504  
(29 USC § 794) AS A REASONABLE  
ACCOMMODATION TO MY ESTABLISHED  
DISABILITY I REQUEST FILING &  
ACCESS TO THE COURT FOR A  
HEARING & DECISION ON THE MERITS,  
W/ FINDINGS OF FACT & CONCLUSIONS,  
PERSUANT TO FRCP 52 & 65.

THANK YOU FOR YOUR REASONABLE  
ACCOMMODATION.



DUNCAN J. MCNEIL, III  
 2030 W. SPOFFORD  
 SPOKANE, WA 99205  
 INDIGENT DISABLED UNLAWFULLY  
 INCARCERATED CIVIL DETAINEE  
 AND PLAINTIFF

MO - \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 TIME: \_\_\_\_\_  
 FT - \_\_\_\_\_

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

DUNCAN J. MCNEIL, III  
 APPELLANT  
 PLAINTIFF AND  
 JUDGMENT CREDITOR

No.  
 KAISER ALUMINUM  
 UNITED STATES, ET AL.  
 Appellees DEFENDANTS AND  
 JUDGMENT DEBTORS

CASE NO: 06-41

NOTICE TO CLERKS  
 OF VIOLATION OF  
 FRCP 5(e) AND 1<sup>ST</sup>  
 AMEND. OF U.S. CONST.  
 BY THE UNLAWFUL  
 REJECTION OF  
 PLAINTIFF'S PLEADINGS

PLEASE TAKE NOTICE THAT THE  
 CLERK OF THIS COURT COURT HAS  
 VIOLATED THEIR OATH OF OFFICE, FAIL  
 5(e). AND THE PLAINTIFF'S RIGHTS OF  
 ACCESS TO THIS COURT BY UNLAWFULLY  
 REJECTING PLAINTIFF'S PLEADINGS.<sup>①</sup> THE  
 CLERK IS A MINISTERIAL OFFICER OF  
 THE COURT,<sup>②</sup> WHO MUST ACCEPT ALL  
 OF PLAINTIFF'S PLEADINGS AND LACKS  
 DISCRETION OR AUTHORITY TO REJECT SAID  
 PLEADINGS, FRCP 5(e), DIESSI V. FALK,  
 916 F. SUPP. 985 (C.D. CAL 1996). THE UNLAWFULLY  
 REJECTED PLEADINGS ARE RETURNED HEREBY FOR  
 THE MINISTERIAL ACT OR FAIL BY THE CLERK.  
 DATED: 5/16/06

① motion for removal of  
 ② THE CLERK'S CONTINUED VIOLATION OF  
 PLAINTIFF'S PLEADINGS FOR THE COURT  
 OFFICE PURSUANT TO 28 U.S.C. §§ 751, 851 & 950.

06/06/06

1 DUNCAN J. MCNEIL, III  
 2 2030 W. SPOFFORD  
 3 SPOKANE, WA 99205  
 4 INDIGENT, DISABLED,  
 5 UNLAWFULLY INCARCERATED,  
 6 CIVIL DEFENDANT, JUDGMENT  
 7 CREDITOR AND APPELLANT

MO: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 FJ: \_\_\_\_\_

RECEIVED  
APR 23 2006

DISTRICT COURT  
 U.S. COURT OF APPEALS  
 FOR  
 DISTRICT OF DELAWARE

IN RE KAISER  
 DUNCAN J. MCNEIL, III  
 PLAINTIFF/APPELLANT  
 V. KAISER  
 UNITED STATES, ET AL.  
 DEFENDANTS/APPELLEES

02-10429

CASE NO.  
 FACPSC 59 # 60  
 APPELLANT'S EX PARTE  
 MOTION ~~FOR~~ TO RECONSIDER  
 APPOINTMENT OF  
 COUNSEL ON APPEAL  
 IN THE INTERESTS  
 OF JUSTICE, PURSUANT  
 TO 28 USC § 1915(G)(1)  
 AND JOHNSON v. US,  
352 U.S. 565 (1957).

THE APPELLANT HEREBY CERTIFIES  
 THAT THE HEREIN APPEAL REQUIRES AN  
 ANSWER TO ONE OR MORE PRECEDENT-  
 SETTING QUESTIONS OF EXCEPTIONAL  
 IMPORTANCE, ARISING FROM THE DENIAL  
 OF OR THE VIOLATION OF FUNDAMENTAL  
 CONSTITUTIONAL RIGHTS. BASED UPON THE FACTS,  
 STATEMENTS AND AUTHORITY CITED TO IN THE  
 APPELLANT'S NOTICE OF APPEAL (INCORPORATED HEREIN)  
 THE APPELLANT, INDIGENT & DISABLED, MOVES THE  
 COURT FOR APPOINTMENT OF COUNSEL PER 28 USC  
 § 1915(G)(1) AND /OR JOHNSON v. US, 352 U.S. 565 (1957)  
 DATED: 4/24/06

PB 100-#4

J. H. O.

APPELLANT ASSERTS THAT IT WAS DENIED  
THE RIGHT TO ENSURE DUE PROCESS IN THIS  
ACTION, THAT APPELLANT SHOULD  
BE ALLOWED COUNSEL, OR AT  
LEAST "STAND-BY" COUNSEL, TO  
ASSIST APPELLANT WITH ACCESS  
TO THE COURT, RECORDS, AND WITH  
COMPLIANCE WITH THE COURT'S  
DEADLINES & RULES. THE COURT  
HAS IMPROPERLY, IN VIOLATION OF  
DUE PROCESS, FINDING A "HISTORY  
OF FRAUDULENT LITIGATION", WHICH  
THE APPELLANT DISPUTES. THESE  
CONTENTIONS OR FINDINGS ARE  
ASKED TO BE HEARD ON THESE  
ISSUES. APPELLANT MOVES  
THE COURT FOR COPIES OF THE  
ORDERS CITED TO IN ITS ORDER OF  
4/18/06 (① 05-574, ORDER, AT 2 (ALL  
22, 2005) AND ② 05-574, MEM.  
ORDER, AT 6 (FEB. 7, 2006)), AND AN  
ATTACK AS TO ANY ORDER REVIEWED.

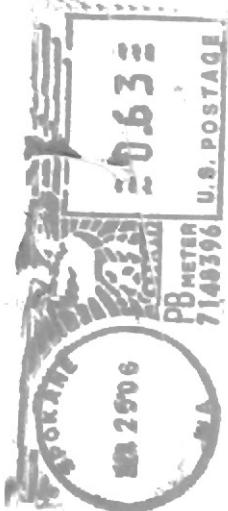
PB 2 OF 4

OR CITED TO BY THE COURT THAT  
INFERS, STATES, OR ALLEGES THAT  
APPELLANT ① HAS A "HISTORY" OF  
FILING FRAUDULENT CLAIMS<sup>"</sup> ; AND ②  
CLAIMING THAT APPELLANT "HAS  
BEEN" DESERED A "VEXATIOUS  
LITIGANT" BY THREE OTHER COURTS.  
APPELLANT DISPUTES THESE FINDINGS  
OF THIS COURT, AND PURSUANT  
TO FRCP 52, 59 & 60, SEeks  
RELIEF FROM SAID FINDINGS  
(MADE SOA SPONTE & EX PARTE)  
MADE WHO VOTE OR DRAFTED  
TO THE HEARD, APPELLANT CERTIFIES  
THAT ALL SUCH ORDERS ARE "ULIO  
AD HOC", ENTERED IN A CLEAR  
ABSENCE OF ALL JURISDICTION,  
CONTRARY TO ~~THE ESTABLISHED~~  
~~&~~ CONSTITUTIONAL PROVISIONS,  
STATUTES, CASE LAW OR OTHER  
AUTHORITY. AS SUCH SUCH ORDERS ARE  
SUBJECT TO A COLLATERAL ATTACK  
IN THE ACTION AS THEY HAVE  
PASSED REVIEW UPON BY THIS  
PCB 3 of 4

COURT IN DENYING APPELLANT  
RELIEF, IN VIOLATION OF THE  
APPELLANT'S RIGHT TO DUE  
PROCESS, AND RIGHT TO BE  
HEARD.

AS SUCH APPELLANT  
SEEKS RELIEF FROM THE COURT  
ORDERS AND FINDINGS, UNDER  
FEDR 52,59 & 60, AND/OR  
A MOTION HEARING w/ A  
BREAK SCHEDULE OR THAT  
BOOK.

APPELLANT FURTHER ASSERTS  
THAT THE COURT'S PRE-DEPOSING  
TO DENY APPELLANT DUE PROCESS,  
TO DECARE APPELLANT FRIVOLOUS  
AND vexatious, ON A EX PARTE  
SUA SPONTE BASIS, IS BASIS FOR THE  
COURT TO DISQUALIFY ITSELF IN  
THE MATTER AS THE APPELLANT'S  
RIGHT TO A FAIR HEARING IS BECAUSE THE  
FEDERAL GOVERNMENT IS CORRECT  
4/24/06 NO. 4 of 4



Dr. Charles T. McPherson, M.D.  
Spectroscopic Co. ~~Spectroscopic~~ CLOTH  
~~1000 University Street~~  
~~Seattle, Washington~~  
Lock Box 27  
Connecticut, DE 19801

**U.S.M.S.**  
**X-RAY**

LEGAL MAIL

DUNCAN J. MCNEIL, III  
2030 W. SPOFFORD  
SPOKANE, WA 99205

MO- \_\_\_\_\_  
DATE: \_\_\_\_\_  
FJA: \_\_\_\_\_

**RECEIVED**

APR 13 2006

U. S. COURT OF APPEALS  
FOR THE

DISTRICT OF DELAWARE

IN RE KAISER 02-10429

MC-06-41

05-CV-578

DUNCAN J. MCNEIL, III

CASE NO: 06-CV-178

PLAINTIFF APPELLANT

APPELLANT'S EX PARTE

v.  
KAISER  
UNITED STATES OF AMERICA  
DEFENDANTS/APPELLEES

MOTION FOR AN ORDER  
COMPELLING THE DISTRICT  
COURT CLERK TO PREPARE  
AND FURNISH TO APPELLANT  
2 INDEXED AND BATES  
STAMPED, COPIES OF THE  
EXCERPTS OF RECORD.

I, DUNCAN J. MCNEIL, III, BEING SWORN UPON OATH  
HEREBY DECLARE THAT: BY MY NOTICE OF APPEAL  
IN THIS ACTION I DESIGNATED THE COMPLETE  
RECORD OF THE ~~DISTRICT COURT~~ AS THE RECORD ON  
APPEAL, AND REQUESTED THAT THE CLERK OF THE  
DISTRICT COURT PROVIDE ME <sup>2</sup> INDEXED AND  
BATES STAMPED COPIES, FOR MY USE IN THIS APPEAL,  
ONE FOR FILING WITH THE COURT OF APPEAL AND  
ONE FOR ME TO RETAIN. THAT PURSUANT TO BOCNOS v.  
SMITH, 430 U.S. 817, AT 824-825 (1977), AND CASES  
CITED THEREIN, I AM ENTITLED TO A COPY OF THE RECORD

ON APPEAL, WHICH THE CLERK HAS REFUSED TO PROVIDE ME.  
I REQUEST THAT THE CLERK BE ORDERED TO PROVIDE  
2 INDEXED AND BATES STAMPED COPIES AND THAT I BE  
GRANTED AN EXTENSION UNTIL RECEIVING CERTIFY THAT  
I MAILED THIS MOTION ON 4/24/06.

DATED: 4/24/06

PAGE 1 OF 1

APPELLANT



Dr. S. T. McMurtry MD  
SOMERSET CO. SOMERSET  
~~1100 W. Main Street~~  
P.O. Box 27  
Somerset, PA 15501

**U.S.M.S.**  
**X-RAY**

CLARK  
US DIRECT CANT  
LOCK BOX 27  
CONNECTION, DE 19801

Local Office

DUNCAN J. MCNEIL, III  
 2030 W. SPOFFORD  
 SPOKANE, WA 99205  
 INDIGENT DISABLED UNLAWFULLY  
 INCARCERATED "CIVIL DETAINEE"  
 A JUDGMENT CREDITOR AND  
 APPELLANT

MO: \_\_\_\_\_

DATE: \_\_\_\_\_

FJ: \_\_\_\_\_

APR 22 2006

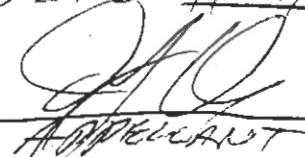
DISTRICT COURT  
U. S. COURT OF APPEALS  
FOR  
DISTRICT OF DELAWARE

1. RE KAISER 02-10429  
 DUNCAN J. MCNEIL, III  
 v. PLAINTIFF-APPELLANT,  
 KAISER  
 UNITED STATES, ET AL  
 DEFENDANTS-APPELLEES

MC-06-41  
 APPEAL NO: CV-05-574  
 CV-06-178

APPELLANT'S EX PARTE  
 MOTION FOR EXTENSION  
 OF TIME; FOR ACCESS  
 TO COURT; FOR FORMS  
 RULES & PROCEDURES  
 TO BE FURNISHED. <sup>①</sup> FE  
 30 DAY EXTENSION OF  
 TIME TO FILE BRIEFS

13. THE UNDERSIGNED INDIGENT-DISABLED  
 14. UNLAWFULLY INCARCERATED "CIVIL DETAINEE" AND  
 15. APPELLANT, HEREBY REQUEST A 30 DAY EXTENSION  
 16. OF TIME AS TO ALL DEADLINES IN THIS APPEAL,  
 17. DUE TO RESTRAINTS RESULTING FROM MY ONGOING  
 18. UNLAWFUL INCARCERATION, SEE ECDRIDGE v. BLOCK,  
 19. 832 F.2d 1132, AT 1136 (9TH CIR 1987); TARANTINO v. FOGERS,  
 20. 380 F.2d 465, 468 (9TH CIR 1967). I AM PRESENTLY  
 21. SUFFERING AN ON GOING "BOUNDS VIOLATION", WITH ACTUAL  
 22. INJURY, OF A TOTAL AND COMPLETE DENIAL OF ACCESS  
 23. TO RESOURCES, TO MEET THE COURT'S DEADLINES. I  
 24. CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT,  
 25. UNDER THE PENALTY OF PERJURY, AND I CERTIFY  
 26. THAT THIS MOTION WAS FILED/MAILED BY PLACING IT  
 27. INTO THE OUTGOING INDIGENT MAIL, ON 4/24/06  
 28. AT SCJ, STE-30.  
 DATED: 4/24/06



APPELLANT

D121081



Director T. MHC  
SOMERSET Co. Supt.  
~~DET 100~~ 100  
State Park, PA 16260

CASH  
US District Court  
Lock Box 27  
Cincinnati, OH 45201

**U.S.M.S.**  
**X-RAY**

CASH MHC

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

IN RE KAISER

02-1042

**RECEIVED**

MAY - 2 2006

DUNCAN J. MCNEIL, III

mc - 06-41  
cv - 05-574  
cv - 06-178

KAISER

NOTICE OF COUNTER  
TO/ OR DIRECT ATTACK ON:  
 ① 05-574, ORDER AT  
 2 (D. DEC. 8/22/05; AND  
 ② 05-574, ORDER AT  
 6 (D. DEC. 21/06) (WHERE  
 APPLICANT WAS NEVER  
 SERVED WITH); AND ③  
 ALL OTHER ORDERS  
 THAT THESE ORDERS  
 ARE BASED UPON

MOTION FOR EXTENSION OF  
 TIME AND DUE PROCESS  
 TO OBTAIN RELIEF FROM  
 ORDERS OF 4/18/06  
 AND 4/24/06; MOTIONS  
 FOR RELIEF FROM ORDERS  
 AND TO MODIFY OR  
 CORRECT FINDINGS  
 PURSUANT TO FRCP  
 52, 57 & 60

APPLICANT being aware of the many legal difficulties:  
 THE APPELLATE AND DOCUMENTATION CRISIS; THE  
 HURRY SICKS AND EXTENSION OF TIME  
 AND DUE PROCESS, BREAKING SERVICE  
 ACCESS TO COURT RECORDS, NOTICE AND  
 OPPORTUNITY TO BE HEARD, IN ORDER  
 TO OBTAIN RELIEF FROM:  
 1. 4/18/06 ORDER IN 05-574, DOCKETED  
 4/19/06 AS D.O.T. #21361027

2. 4/18/06 ~~order~~, ~~docket~~ 06-41, docketed  
4/19/06 AS D.I. # 23;

3. 4/24/06 ~~order~~, 06-41.

THESE ~~orders~~ ARE BASED UPON  
THE MANIFEST FAULT OF BOTH  
FACT & LAW THAT:

1. APPELLANT HAS A "HISTORY OF  
FILED PREVIOUS CLAIMS";

2. APPELLANT HAS 3 -  
CANTABE "STRIKES" PURSUANT  
TO 28 USC § 1915(g);

3. APPELLANT HAS BEEN  
"DETERRED A VEXATIOUS LITIGANT" BY  
THESE OTHER COURTS; ~~AND~~

4. THAT THE 3- STRIKES  
PROVISION OF 28 USC § 1915(g) IS  
APPLICABLE TO APPELLANT IN  
THIS ACTION; AND

5. THAT THERE IS AN "EXPEDITED  
NATURE OF THE DISPUTE IN O

PROCEEDINGS.

APPELLANT BRINGS THIS MOTION  
TO : ① CORRECT MANIFEST ERRORS  
OF FACT AND LAW BY THIS COURT; ②  
TO ENFORCE THE APPELLANT'S  
FUNDAMENTAL CONSTITUTIONAL  
INTERESTS IN THIS APPEAL; AND  
③ TO OBTAIN DUE PROCESS OF  
LAW, BY WAY OF A COLLABORATIVE  
AND/OR DIRECT ATTACK ON, SUA  
SPONTE, EX PARTE ORDERS OR  
THIS COURT, AND THE "VOID AB  
INTO," MANIFESTLY ERROREOUS  
FOREIGN ORDERS THAT THIS COURT  
RELIES UPON.

~~THE~~ IN AN AVALANCHE OF  
SUA SPONTE EX PARTE ORDERS,  
WITH RECKLESSNESS THE APPELLANT'S  
DUE PROCESS RIGHTS, THIS  
COURT HAS UNACTED ITS OWN

PETITIONER ORDERS, DECLARING THAT  
THE ERROR WAS OR MISTAKEN  
(DECLARING THE COURT WAS ERRONEOUSLY  
INFORMED BY THE BANKRUPTCY COURT...) AND HAS NOW SET AN ARBITRARY  
AND CAPRICIOUS DEADLINE OF  
3 COURT DAYS, FOR THE  
INDIGENT DISABLED AND  
UNCAUTHERY INCAPACITATED TO  
COMPLY WITH THIS COURT'S MANIFESTLY  
ERRONEOUS ORDER OF 4/24/06, IN  
MC-06-41.

APPELLANT ASSERTS THERE IS  
NO BASIS FOR AN "EXPEDITED  
NATURE OF THE PROPERTY NO  
PROCEEDING" AS TO THIS  
APPELLANT'S APPEAL, WHICH  
THE COURT HAS FOUND THIS AS TO  
THE "INSURANCE" APPEALS, WHICH  
THE COURT HAS "LUMPED" OR

or "FORCED" THE APPellant was  
(w/o due process), THERE IS NO  
BASIS TO LAW! THIS APPELLANT'S  
APPEAL TO THE "INSURANCE"  
APPEALS. APPELLANT'S DUE  
PROCESS RIGHTS, MUST BE  
PROTECTED BY THIS COURT BY  
SEVERING THIS APPEAL  
FROM THE INSURANCE APPEAL.

APPELLANT DISPUTES THIS  
COURT'S MANIFESTLY FERONIACOLOGY  
FINDINGS AND ORDERS, WHICH  
ARE BASED ENTIRELY UPON  
"VOID AB VINO" POSITION ORDERS,  
WHICH APPELLANT HAS A DUE  
PROCESS RIGHT TO CONTEMPTUOUS  
ATTACK IN THIS APPEAL.

WHERE APPELLANT THEREFORE STANIS  
THE COURT'S URGENCY WITH THE  
INSURANCE "APPEALS, THE  
OUTCOME OF WHICH COULD  
SIGNIFICANTLY AFFECT THE

DEBTOR REORGANIZATION,

THIS APPEAL, CAN HAVE NO  
SUCH EFFECT OR IMPACT.

APPELLANT CHALLENGES THE  
"RE-CATEGORIZATION" AND "REDUCTION"  
OF CLAIM #736, (A SWOLLE  
INSIGNIFICANT CLAIM), THE OUTCOME  
OF WHICH COULD HAVE NO  
SIGNIFICANT EFFECT OR IMPACT  
ON THE DEBTOR'S REORGANIZATION.

THIS COURT CAN NOT WORSTEN  
THE APPELLANT'S ~~FUNDAMENTAL~~  
MULTIPLE FUNDAMENTAL  
CONSTITUTIONAL ISSUES NOW AT  
STAKE IN THIS APPEAL, BY

P. 6 OF 7

THIS COURT IS OVER, SUA SPONTE,  
BY PAROLE, RELIANCE ON "VOID  
AB INITIO" FOREIGN ORDERS,  
WITH THE COURT IS ATTEMPTING  
TO USE IN A SUMMARY FASHION  
TO FORECLOSE ON AND  
FOREVER TERMINATE APPLICANT'S  
RIGHTS IN THE ACTIONS  
ORIGINALLY DOCKETED AS  
05-574 & 06-178.

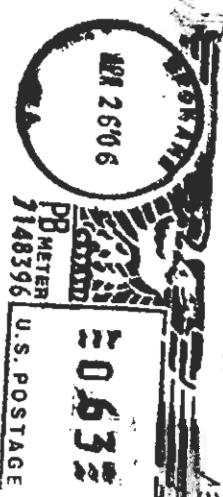
APPLICANT MOVES THE  
COURT FOR AN ORDER SEVERING  
THESE ACTIONS FROM THE  
"INSURANCE" ACTIONS AND  
FOR THE GRANTING OF APPLICANT'S  
4/20/06 MOTION(S) FOR TRO/JOE  
& PRELIMINARY INJUNCTION AND  
A 30 DAY EXTENSION OF TIME  
AS TO ALL HEADINGS. I DECLINE THE  
FOREGOING P/B/THE THAT AND CERTIFY  
UNDER THE PENALTY OF PERJURY AND CERTIFY  
THAT THIS MOTION WAS MADE OFFICED ON 4/25/06  
DATED: 4/25/06 PG 7 OF 7 D/JLL

DUNN & T. MC GOWAN  
SPRING CO. - VATIC  
1100 W. MICHIGAN  
SPRINGFIELD 62703

Leave me

1980143513-39 2012

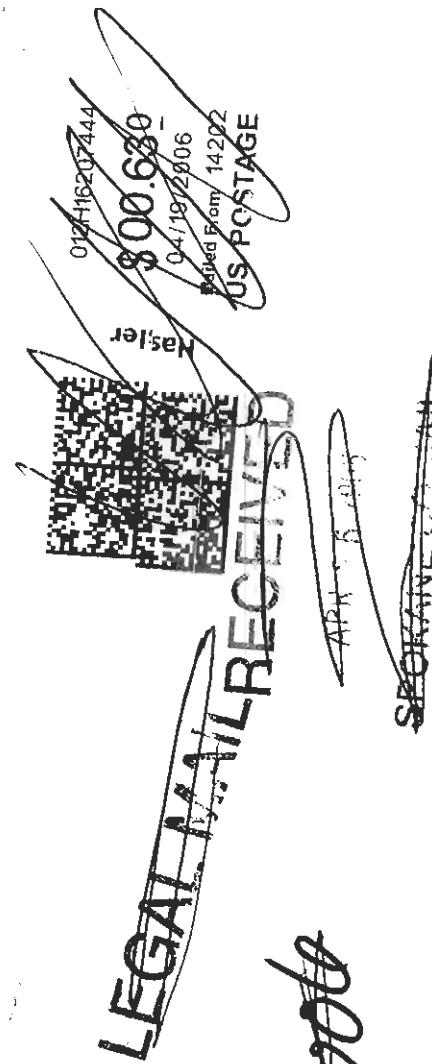
Clerk  
U.S. DISTRICT COURT  
LOCK BOX 27  
844 KING STREET,  
WILMINGTON, DE  
19801



CLERK U.S. DISTRICT COURT  
UNITED STATES COURTHOUSE  
BUFFALO, NY 14202-3498  
OFFICIAL BUSINESS

INMATE'S MAIL  
Spokane County Jail  
1100 W Mallon  
Spokane, WA 99260-0820

LEGAL MAIL RECEIVED  
*b6006*



MO: PJA-077

DATE: 4/20/06

FT: KA-01

U.S. DISTRICT COURTDISTRICT OF DECEMBERNOTICE OF CHANGE OF  
ADDRESS TO:DUNCAN J. MCNEIL III  
2030 W. SPOFFORD  
SPOKANE, WA 99205

RECEIVED

APR 27 2006

IN RE: KAISER ALUMINUM  
DEBTORSBK NO: 02-10429  
(CLAIM NO. 736)IN RE: KAISER  
ADDRESSEESMC NO. 06-41  
(CV-06-178)DUNCAN J. MCNEIL III  
APPELLANT

CV-05-574

v.  
KAISER ALUMINUM  
ADDRESSEESREQUEST FOR ELECTRONIC  
FILING AND ELECTRONIC  
SERVICE BY THE  
CLERK OF THE COURT.

PETITION AND  
① REQUEST FOR JUDICIAL NOTICE; ② MOTION  
FOR FINDINGS OF FACT & CONCLUSIONS OF  
LAW PER FRCP 52 & 65; ③ EX PARTE  
FOR TRO/OSC AND PRELIMINARILY INJUNCTION  
ENJOINING "DENIAL OF ACCESS ORDERS"  
("DOA ORDERS") AND MANDATING ACCESS TO  
COURT TO DIRECTLY OR COLLATERALLY  
ATTACK DOA ORDERS WHERE PETITIONER  
HAS "FUNDAMENTAL INTERESTS AT  
STAKE"; ④ FOR FINDING OF "FUNDAMENTAL  
INTEREST" IN SUPPORT OF TRO/OSC &  
PRELIMINARILY INJUNCTION; ⑤ FOR  
ELECTRONIC SERVICE BY USDC CLERK AND  
REASONABLE ACCOMMODATIONS FOR ACCESS TO COURT.

PETITIONER & APPELLANT, BEING  
SWORN UPON OATH, HEREBY BY  
DECLARES:

I. REQUEST FOR JURISDICTIONAL NOTICE

1. PETITIONER, PURSUANT TO FRCP  
52, 59, 60 & 65 HEREBY SEEKS A ~~PRELIMINARY~~<sup>①</sup> INJUNCTION (P.I.) BY  
WAY OF A TEMPORARY RESTRAINING ORDER  
(T.R.O.) AND AN ORDER TO SHOW  
CAUSE (O.S.C.) <sup>①</sup> ENJOINING THE USE  
EXECUTION AND ENFORCEMENT OF ALL  
DENIAL OR ACCESS ORDERS ('DOA ORDERS')  
AGAINST APPELLANT; <sup>②</sup> THE GRANTING  
OF FULL FAITH & CREDIT TO THE 21  
SEPARATE FINAL JUDGMENTS & CONSENT  
DECRESSES, ADMITTED INTO EVIDENCE IN  
THIS ACTION (SEE EX.2, PGS 34 OF 35  
TO 35 OF 35) AND ENTITLED TO FULL  
FAITH & CREDIT HEREIN, PURSUANT TO  
U.S. CONST. ART IV §1 AND 10 DEL.C.  
§§ 4781 TO 4787 (THE DELAWARE  
UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS  
ACT (UEFJA)); AND <sup>③</sup> THE GRANTING OF  
PETITIONER ~~REAS~~-ACCESS TO THIS  
COURT, BY MANDATING THE GRANTING  
OF REASONABLE ACCOMMODATIONS TO  
PETITIONER, AN INDIVIDUAL WITH AN  
ESTABLISHED DISABILITY, WHO IS  
OTHERWISE QUALIFIED TO RECEIVE THE

BENEFITS, PROGRAMS AND SERVICES OF THIS COURT, INCLUDING BUT NOT LIMITED TO ALL CONSTITUTIONALLY PROTECTED DUE PROCESS AND "VESTED PROPERTY" RIGHTS.

2. PETITIONER REQUESTS THAT THIS COURT TAKE JURISDICTIONAL NOTICE OF, INCORPORATE HEREIN, AND GRANT ADMISSIBILITY HEREIN, PURSUANT TO FRCP 44(a)(1) AND FRE RULE 201(b)(2) THE "OFFICIAL PUBLICATIONS THEREOF" ON THE COURT'S "PACER" SYSTEM, THE FOLLOWING PUBLIC AND COURT RECORDS:

A. D.I. 4, FILED 9/19/05, IN USDC-D-DE CASE NO. 05-CV-574, "EX PARTE MOTION..." FOR TRO/OSC & P.I.;

B. D.I. 6, FILED 10/11/05, CASE 05-CV-574, "NOTICE OF COLLATERAL ATTACK...";

C. D.I. 7, FILED 10/11/05, CASE 05-CV-574, "EX PARTE MOTION...";

D. D.I. 8, FILED 10/11/05 CASE 05-CV-574, "EX PARTE MOTION IN SUPPORT...";

E. D.I. 9, FILED 10/11/05, CASE 05-CV-574, "DECLARATION IN SUPPORT...";

F. D.I. 13, FILED 11/13/06, CASE 05-CV-574, "EX PARTE APPLICATION TO PROCEED...";

G. D.I. 14, FILED 11/13/06, CASE 05-CV-574, "PETITION & REQUEST TO CLERK FOR REGISTRATION

OF "FOREIGN JUDGMENTS . . .",  
PURSUANT TO UEPJA, 10 DEL. C. §§ 4781 TO 4787; (EX. 2 REFERRED TO LISTED  
AS SEPARATE FOREIGN JUDGMENTS  
H. D.I. 16, FILED 2/21/06, CASE 05-cv-574,  
"RETURN OR UNDELIVERABLE MAIL . . ."  
I. D.I. 18, FILED 4/11/06, CASE 05-cv-574,  
"REQUEST FOR REASONABLE ACCOMMODATION . . .";  
J. D.I. 19, FILED 4/11/06, CASE 05-cv-574,  
K. EX 2, PGS 24 OF 35 TO 25 OF 35,  
HEREIN, ITEMS "9" TO "U", 21 SEPARATE  
FINAL JUDGMENTS AND/OR CONSENT DECREES,  
AS ~~PUBLISHED~~ ESTABLISHED BY THE "OFFICIAL  
PUBLICATIONS THEREOF", PER FRCP 44(a)(1)  
AND FRE RULE 201(b)(2), AND ~~PUBLISHED~~  
WHICH ARE ENTITLED TO FULL FAIR & CREDIT  
BY THIS COURT, PURSUANT TO U.S. CONST.  
ART. IV § 1 AND 10. DEL. C. §§ 4781 TO  
4787.

30 I HEREBY CERTIFY THAT THE FOREGOING  
ARE THE "OFFICIAL PUBLICATIONS THEREOF"  
ON THE COURT'S "PACER" SYSTEM, AT  
THE INDICATED CASE NO. AND DOCKET #,  
AND AS SUCH ARE ADMISSABLE IN THE  
CAUTIONED ACTIONS, AND I HEREBY  
REQUEST AS A REASONABLE ACCOMMODA  
TION TO MY ESTABLISHED DISABILITY,  
(SEE 29 U.S.C. § 794, REHABILITATION ACT OF

1973 AND 42 U.S.C. §§ 12101-12213,  
ADA) I REQUEST THAT THE CLERK OF  
THE COURT, OBTAIN, PRINT, COPY & FILE  
EACH OF THE FOREGOING PUBLIC RECORDS  
AND THAT THEY BE FILED AND DOCKETED  
IN THE CAPTIONED ACTIONS, THAT  
REQUEST FOR JUDICIAL NOTICE  
THEREOF BE GRANTED, THAT THEY  
EACH BE ORDERED TO BE ADMISSABLE  
IN THE CAPTIONED ACTIONS, AND  
THAT THE FINAL JUDGMENTS, AND  
FINAL CONSENT DECRESSES LISTED  
ON EX. 2 (PGS 34 OF 35 TO 35 OF 35)  
BE GRANTED FULL FAIR & CREDIT  
BY THIS USCA AND THAT THE USDC  
BE COMPELLED TO DO THE SAME.

II MOTIONS FOR FINDINGS OF FACT  
AND CONCLUSIONS OF LAW

4. WHEN GRANTING OR DENYING  
A PRELIMINARY INJUNCTION THIS  
COURT HAS A MANDATORY NON-  
DISCRETIONARY DUTY TO SET FORTH  
DETAILED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW, SO THAT THE  
TRIAL JUDGE IS REQUIRED TO

ASSERTAIN FACTS WITH DUE CARE  
SO AS TO RENDER A DECISION  
IN ACCORDANCE WITH THE UNCONTROVERSED  
OR CONTROVERSED, BUT FOUND EVIDENCE,  
AND THE LAW, SEE INVERNESS CORP  
V. WHITEHALL LABS, 819 F.2d 48 (2nd  
CIR 1987).

5. IN CASE NO. 05-574, D.I. 4 (9/19/05)  
AND D.I. 13&14 (1/13/06) THE PETITIONER  
Sought A TRO/OSC & P.I. PURSUANT  
TO FRCP 52 & 65, REQUIRING THIS  
COURT TO ENTER FINDINGS OF FACT  
AND CONCLUSIONS OF LAW IN THE  
GRANTING OR REFUSING THE TRO/  
OSC & P.I.

6. THE COURT'S ORDER OF 9/27/05,  
D.O. 5, MAKES NO REFERENCE TO  
D.O. 4, AND ~~NE~~ INCLUDES None OF  
THE REQUIRED FINDINGS OF FACT  
OR REQUIRED CONCLUSIONS OF LAW.  
THE PETITIONER HAS NEVER BEEN  
SERVED WITH THE COURT'S 2/7/06  
ORDER IN 05-574, D.O. 15 (SEE  
D.O. 16) BUT THE DOCKET ENTRY  
MAKES NO MENTION OF THE  
DENIAL OF THE TRO/OSC & P.I.  
Sought IN D.O. 4. TR. 5 OF 35

~~AS SUCH, PETITIONER'S~~

7. WHILE DO. I. 15 ~~DOCKET~~ UNKNOWN ENTRY STATES THAT THE RELIEF REQUESTED IN DO. I. 13 # 14 IS "DENIED," THE DOCKET ENTRY DOES NOT REFER TO ANY OF THE MANDATORY FINDINGS OF FACT OR CONCLUSIONS OF LAW, THAT FORMED THE BASIS FOR THE COURT'S DENIAL OF INJUNCTIVE RELIEF, ~~THE~~

8. AS ~~SUCH~~ AN ORDER DENYING INJUNCTIVE RELIEF IS VACATED AND REMANDED WITH DIRECTIONS WHEN THE DISTRICT COURT DID NOT MAKE FINDINGS OF FACT OR STATE CONCLUSIONS OF LAW, AND/OR THE PETITIONER WAS NOT AFFORDED AN ADEQUATE HEARING, SEE MCKHINNEY v. CAIN, 289 F.2d 315 (CA. PA. 1961).

9. IN GRANTING OR DENYING) REFUSING A PRELIMINARY INJUNCTION THE DISTRICT COURT IS REQUIRED

⑥ TO MAKE EXPLICIT FINDINGS OF  
 FACT AND CONCLUSIONS OF LAW,  
 UPON WHICH ITS CONCLUSION OR  
 ORDER IS BASED, SEE Io. C. Co. v.  
CARDINALE TRUCKING CORP., 308  
F. 2d 435 (2<sup>nd</sup> Cir 1962); SEE ALSO  
DAVIS V. U.S., 422 F.2d 1139 (11<sup>th</sup> Cir.  
 1970).

10. THE TRIAL COURT MUST SUPPLY  
 ADEQUATE FINDINGS TO SUPPORT  
 ITS ORDER, SEE PARCEL 49 C LP. V. US,  
31 F.3d 1147 (FED.CIR. 1994).

11. THE RULE REQUIRING THE TRIAL  
 COURT TO STATE ITS FINDINGS AND  
 CONCLUSIONS EXPLICITY WHEN GRANTING  
 OR DENYING AN INJUNCTION IS OF  
PARAMOUNT IMPORTANCE TO  
 PROPER REVIEW BY APPELLATE COURT;  
 SEE FAIR HOUSING V. TOWN OF ANTHROPOGON  
316 F.3d 357 (2<sup>nd</sup> Cir, 2003).

12. IN THIS ACTION THE 21 SEPARATE  
 FINAL JUDGMENTS AND FINAL CONSENT  
 DECRESSES, ALREADY ESTABLISHED AND  
 INCLUDE INJUNCTIONS, UNDER  
 11 U.S.C. 362<sup>(b)</sup> (REIMPOSED AUTOMATIC STAY)  
 AND UNDER 11 U.S.C. §§ 524 AND 1141  
 (DISCHARGE & DISCHARGE INJUNCTIONS)  
 ALONG WITH OTHER LIKE INJUNCTIONS  
 CONTAINED IN WRITS 02-0001 TO 02-

02-0005 (Ex. 2, ITEMS "h" TO "I",  
PG<sup>34</sup> OF <sup>35</sup>, HERIN).

13. BY THIS MOTION FOR TRO/OS & P.I., THE PETITIONER, BASED UPON THE FULLY ADJUDICATED FACTS, CONCLUSIONS, ORDERS, DECREES, WRITS AND EXECUTIONS CONTAINED WITHIN THE 21 SEPARATE FINAL JUDGMENTS AND FINAL CONSENT DECREES, SIMPLY SEEKS THE EXTENSION OF PRE-EXISTING, AND FULLY ADJUDICATED INJUNCTIONS AND THE "VESTED RIGHTS" THEREIN, TO BE ENFORCED BY THIS U.S.C.A. IN THIS CIRCUIT, AND THE USDC, IN IT'S DISTRICT. THE ISSUANCE, SUA SPONTE, OF THE REQUESTED TRO/OS & P.I. IS MANDATORY, NON-DISCRETIONARY AND MINISTERIAL ACT UNDER U.S. CONST. ART IV §1, 28 USC §1738 AND 10 DEL. C. §§ 4781 TO 4787.

14. ALL OF THE OFFERED FACTS, EVIDENCE AND RECORDS SUBMITTED IN SUPPORT OF THE REQUESTED

TRO/OSC & P.I. IS UNCONDITIONAL  
ED BY ANY FACT, STATEMENT  
OR EVIDENCE SUBMITTED BY  
THE REORGANIZED DEBTOR,  
KAISER ALUMINUM. THERE IS  
SIMPLY NO EVIDENCE, OF  
ANY NATURE THAT WOULD  
SUPPORT A FINDING OR  
CONCLUSION DENYING THE  
REQUESTED TRO/OSC & P.I.

15. IF A FINDING IS DIRECTLY  
CONTRARY TO THE ONLY EVIDENCE  
PRESENTED THAT FINDING IS  
PROPERLY CONSIDERED TO BE  
CLEARLY ERONEOUS. SEE  
TRANS-ORIENT v. STAR TRADING,  
925 F.2d 566 (2nd Cir. 1991).

16. AS SUCH THE PETITIONER  
HEREIN SUBMITS ALL PREVIOUSLY  
ADJUDICATED FINDINGS & CONCLUSIONS  
(SEE EX. 2, ITEMS "A" TO "U") AS WELL  
AS THOSE OFFERED IN THE  
REQUEST FOR JUDGMENT NOTICE  
HEREIN, ~~ITEMS~~ 2(A) pg 3, TO 2(D) pg 4  
HEREIN, IN SUPPORT OF THE ~~COMBINED~~  
pg 10 of ~~35~~ 35

OF THE TRO/OSC & P.I., SOUGHT  
 HEREIN, AND AS <sup>AS SOUGHT</sup> BY D.I. 4, (9/19/05)  
 13 & 14 (1/3/06) IN CASE NO. 05-574,  
 AS THEN <sup>INTJUNCTIVE</sup> RELIEF SOUGHT HEREIN AND  
 BY D.I. 4, 13 & 14, IS INTJUNCTIVE  
 RELIEF THAT THE PETITIONER  
 HAS ALREADY BEEN PROPERLY  
 HELD TO BE ENTITLED TO, BY  
 EXISTING FINAL AND FULLY  
 ADJUDICATED JUDGMENTS AND  
 CONSENT DECRESSES.

### III. MOTION FOR TRO/OSC AND PRELIMINARY INJUNCTION

17. BY WAY OF THE ADJUDICATED  
 FACTS AND CONCLUSIONS AND THE  
 UNCONTROVERTED OFFERED FACTS  
 AND CONCLUSIONS, AND PURSUANT TO  
 U.S. CONST. ART IV §1; 28 USC § 1738;  
 10 DEL.C. §§4781 TO 4787, THE  
 PETITIONER SEEKS THE SOONEST  
 ISSUANCE OF A TRO/OSC, FOLLOWED  
 BY A PRELIMINARY INJUNCTION,  
 MANDATING AND PROHIBITING THE  
 FOLLOWING, IN THE ~~RE~~ DISTRICT:

A. PROHIBITING THE USE, EXECUTION OR ENFORCEMENT, IN THIS DISTRICT, BY THE REORGANIZED DEBTOR, KAISER ALUMINUM CORP ("KAISER"), OR ANY OTHER PERSON, ANY AND ALL "VEXATIOUS LITIGANT", "STRIKE" OR "3-STRIKE" (AS DEFINED BY 28 USC 1915(g)) OR OTHER DENIAL OF ACCESS ORDERS, THAT HAVE NOT BEEN SPECIFICALLY ALLOWED OR PRESERVED BY THE FINAL JUDGMENTS AND FINAL CONSENT DECREES LISTED ON EX. 2, IN THE CAPTIONED MATTERS, OR IN ANY OTHER MATTER OR ACTION IN THIS DISTRICT;

B. PROHIBITING ANY ACT, ACTION OR CLAIM, MADE, SOUGHT OR ADVANCED IN VIOLATION OF, OR IN CONTRAVENTION OF THE:

i) REIMPOSED AUTOMATIC STAY, PER 11 U.S.C. § 362, AS ESTABLISHED BY ITEMS "a" AND "d" OF EX. 2, AND/OR THE REMAINING FINAL JUDGMENTS OR FINAL CONSENT DECREES, LISTED ON EX. 2;

ii) THE DISCHARGE AND DISCHARGE INJUNCTION, PER 11 U.S.C. § 524 § 1141, AS ESTABLISHED BY ITEMS "a", "b", "c" AND "d" OF EX. 2, AND/OR THE REMAINING FINAL JUDGMENTS OR FINAL CONSENT DECREES, LISTED ON EX. 2;

iii) WRITS OF OBEDIANCE, WRITS 02-0001 TO 02-0005, ITEMS "h", "i", "j", "k" & "l" ON EX. 2.

C. MANDATING ANY AND ALL ACTS OR ACTIONS, SPECIFIED, DETAILED, DIRECTED, OR DECLARED BY ITEMS "b", "c" OR "d", AND/OR WRITS 02-0001 TO 02-0005, ITEMS h TO l, EX. 2;

D. MANDATING THE CLERK OF THIS COURT, TO SUA SPONTE, ON THE EX PARTE APPLICATION OF THE PETITIONER, TO ISSUE SUCH MESNE PROCESS, WRITS OR EXECUTIONS, WITHOUT FURTHER ORDER OF THIS COURT, AS NECESSARY OR REQUIRED, OR REQUESTED BY THE PETITIONER TO FULLY EXECUTE AND/OR ENFORCE UPON THE TERMS, PROVISIONS, OR BELIEVER AND "VESTED RIGHTS" ESTABLISHED BY OR SET FORTH IN THE FINAL JUDGMENT OR CONSENT DECRESSES, LISTED ON EX. 2;

E. PROHIBITING ACTS BY ALL PERSONS, IN THE INTERFERENCE OF THE PETITIONER'S ACCESS TO THIS COURT, AS NECESSARY AND OR REQUIRED OR REQUESTED FOR THE PETITIONER TO FULLY AND TIMELY EXECUTE AND ENFORCE UPON THE FINAL JUDGMENTS OR FINAL CONSENT DECREES, LISTED ON EX. 2.

C. FOR AN ORDER OF THIS COURT, FINDING AND INCORPORATING THEREIN, ALL FINDINGS OF FACT, STIPULATED TO FACTS, CONCLUSIONS OF LAW AND OTHER FINDINGS, CONCLUSIONS, ORDERS OR DECRESSES MADE OR STATED IN THE FINAL JUDGMENTS AND FINAL CONSENT DECRESSES, LISTED ON EX. 2, AS THE FINDINGS AND CONCLUSIONS OF THIS COURT, IN SUPPORT

OF THE GRANTING OF THE REQUESTED  
INJUNCTIVE RELIEF. UNCONTROVERTED

A. STATEMENT OF THE CASE & FACTS

18. THIS ACTION IS AN APPEAL FROM THE BANKRUPTCY COURT'S ~~RE~~ ORDER CONFIRMING KAISER'S PLAN OF REORGANIZATION. THE PETITIONER IS A CREDITOR HOLDING AN ALLOWED CLAIM, UNDER KAISER'S CONFIRMED PLAN.

19. THE PETITIONER ASSERTS, IN THIS APPEAL, THAT HIS CLAIM WAS IMPROPERLY AND ERONEOUSLY RE-CLASSIFIED ~~AS~~ AND REDUCED BY BANKRUPTCY COURT ORDER OF 6/27/05 Dkt. 6975, AND BY KAISER'S SUBSEQUENT CONFIRMED PLAN OF REORGANIZATION.

20. PETITIONER FURTHER ASSERTS THAT HE WAS DENIED ACCESS TO THE BANKRUPTCY COURT, IN VIOLATION OF HIS 1ST AMEND. RIGHTS, AND WAS DENIED DUE PROCESS, NOTICE AND OPPORTUNITY TO BE HEARD BY THE PROCEDEURS THAT RESPECTED IN THE CONFIRMATION OF KAISER'S PLAN OF REORGANIZATION AND THE RE-CLASSIFICATION AND REDUCTION OF THE PETITIONER'S ALLOWED CLAIM.

21. THE REORGANIZED DEBTOR HAS NOT DISPUTED OR CONTROVERSED ANY OF THE PETITIONER'S ASSERTIONS.

22. PETITIONER'S CLAIM AND ISSUES ON APPEAL HAVE NO CONNECTION OR RELATION TO THE CLAIMS OR ISSUES ON APPEAL AS TO THE OTHER APPELLANT'S WHO'S APPEALS ARE CONSOLIDATED INTO 06-MC-41.

23. KAISER, BY WAY OF THE SUA SPONTE ORDERS OF THE USDC. IN CASE NO. 05-cv-574, D.I. 5 (9/27/05), D.I. 15 (2/7/06) AND D.I. 20 (4/13/06) SEEKS TO BAR THE PETITIONER'S ACCESS TO THIS COURT, AND PETITIONER'S STATUTORY RIGHT TO APPEAL, BY SUA SPONTE, W/OUT NOTICE, HEARING, OPPORTUNITY TO BE HEARD, ORDER'S FINDING AND DECLARING PETITIONER INELIGIBLE FOR IFP STATUS, UPON THE UNSUPPORTED CLAIM THAT PETITIONER IS BARRED BY "3-STRIKES" AND THE PROVISIONS OF 28 U.S.C. § 1915(g)(2000).

24. KAISER (AND/OR THE COURT) HAVE OFFERED NO ADMISSABLE EVIDENCE TO SUPPORT THE CLAIM OF "3-STRIKES" AND RECITES SOLELY UPON THE COURT'S SUA SPONTE FINDING OF "3-STRIKES," W/O

HEARING ON OPPORTUNITY TO BE  
HEARD, BY THE PETITIONER.

25. THE PETITIONER DISPUTES  
THE COURT'S ~~UNDISPUTED~~ UNSUPPORTED  
FINDING OF ~~THE~~ "3-STRIKES"  
AND HAS SUBMITTED SUBSTANTIAL  
UNCONTROVERTED ADMISSABLE  
EVIDENCE, ESTABLISHING THAT  
THE PETITIONER HAS NO  
COUNTABLE "STRIKES", AND THAT  
§ 1915(g) IS INAPPLICABLE TO THE  
INSTANT ACTION.

"3-STRIKES" ~~THE UNITED STATES~~  
KAISER, THROUGH IT'S ADVOCATE  
THE U.S. DISTRICT COURT,  
RELYS UPON ALL EGREG "FOREIGN  
JUDGMENTS" (PREDICTED OUTSIDE  
THIS DISTRICT) FOR WHICH NO  
ATTEMPT HAS BEEN MADE TO  
AUTHENTICATE, ADMIT INTO  
EVIDENCE, REGISTER OR  
OTHERWISE VALIDIFY THE  
CLAIMED "STRIKE" FOREIGN ORDERS.

27. PETITIONER, BY WAY  
OF ADMISSABLE AND UNCONTRO-  
VERTED EVIDENCE, ASSERTS THAT  
THE CLAIMED "STRIKE" ORDERS

ARE "VOID AB INITIO" ORDERS  
OF NO FORCE AND EFFECT,  
ARE NOT ENFORCEABLE IN THIS  
COURT OR IN THIS DISTRICT  
AGAINST THE PETITIONER, AND  
ARE SUBJECT TO THE PETITIONER'S  
COLLATERAL ATTACK, IN THE  
CAPTIONED ACTIONS.

28. BY UNCONTROVERTED  
AND ADMISSABLE EVIDENCE  
THE PETITIONER HAS FULLY  
ESTABLISHED THAT THE  
CLAIMED "STROKE" AND/OR  
"3-STROKE" ORDERS, AND/OR  
OTHER "DOA ORDERS" ARE  
"VOID AB INITIO", AS A MATTER  
OF FEDERAL STATUTE AND LAW,  
DUE TO PRE-EXISTING FINAL  
JUDGMENTS AND/OR FINAL  
CONSENT DECRESSES AS LISTED  
HEREIN ON EX. 2, (PG 34 OF 35 TO  
35 OF 35) AND AS PROPERTY  
ADMITTED INTO EVIDENCE IN  
THE CAPTIONED ACTIONS, AND AS  
PROPERTY REGISTERED IN THIS  
COURT AND IN THIS DISTRICT  
PURSUANT TO 10 DEL. C. §§ 4781 TO 4781.

29. KAISER, THROUGH IT'S ADVOCATE, THE USDC, HAS OFFERED NOTHING TO CONTRAVENE, DISPUTE OR CHALLENGE PETITIONER'S "FOREIGN JUDGMENTS" (SEE EX. 2), AND HAS THEREFORE CONCEDED THE VALIDITY, ENFORCEABILITY AND SUPERIOR NATURE OF PETITIONER'S "FOREIGN JUDGMENTS".

30. KAISER, THROUGH IT'S ADVOCATE THE USDC, HAS OFFERED LITERALLY NOTHING TO CREATE AN ACTUAL "CONTROVERSY" AS REQUIRED BY U.S. CONST. ART III, AS TO THE VALIDITY, ADMISSIBILITY AND ENFORCEABILITY OF THE PETITIONER'S "FOREIGN JUDGMENTS", WHICH ON THEIR FACE, REQUIRE THIS COURT TO VACATE AND DECLARE "VOID AB INITIO" ALL "DOA ORDERS", "STRIKE" OR "3-STRIKE" ORDERS CLAIMED OR ASSERTED AGAINST PETITIONER, IN THE ATTEMPT TO BLOCK PETITIONER'S STATUTORY RIGHT

TO PREV AOPPEAL AND REVIEW  
OF THE RE-CLASSIFICATION AND  
REDUCTION OF PETITIONER'S  
ALLOWED CLAIM, AS VESTED  
BY KAISER'S CONFIRMED  
PLAN.

B. PETITIONER IS ENTITLED TO  
A TEMPORARY RESTRAINING ORDER  
AND A PRELIMINARY INJUNCTION.

31. IN DETERMINING WHETHER  
PETITIONER IS ENTITLED TO A  
TRO OR PI, THE COURT GENERALLY  
CONSIDERS SEVERAL FACTORS:  
① WHETHER THE PARTY WILL SUFFER  
IRREPARABLE INJURY; ② THE  
"BALANCE OF HARSHSHIPS" BETWEEN  
THE PARTIES; ③ THE LIKELIHOOD  
OF SUCCESS ON THE MERITS; ④  
AND THE PUBLIC INTEREST. EACH  
OF THESE FACTORS WEIGHS HEAVILY  
IN FAVOR OF GRANTING THE  
PETITIONER INJUNCTIVE RELIEF.  
~~\_\_\_\_\_~~

C. PETITIONER IS SUFFERING A  
CONTINUING VIOLATION OF HIS CONSTITUTIONAL  
RIGHTS, CONSTITUTING IRREPARABLE  
HARM

32. THE USE OF THE "DOA ORDERS" IN THE CAPTIONED ACTIONS, TO DENY THE PETITIONER HIS STATUTORY RIGHT TO APPEAL AND REVIEW, BY THE SCA SPONTE DENIAL OF IFP STATUS, GIVES RISE TO THE PETITIONER'S RIGHT TO DECLARE A COLLATERAL ATTACK ON THE "DOA ORDERS", SEE D.I. 6 (10/11/05) AND D.I. 13 (1/13/06) IN CASE NO. 05-CV-574, WHICH ARE INCORPORATED HEREIN AS THOUGH FULLY SET FORTH HEREIN.

33. WHILE THE "DOA ORDERS" WERE INMALLY PLACED AT ISSUE BY KAISER'S ADVOCATE, THE USDC, KAISER ON 3/17/06, IN CASE NO. 06-CV-178, D.I. 6, "JOINT MOTION OF DEBTORS...", AT PG. 2, FOOTNOTE 4, HAS ADOPTED THE USDC'S POSITION, BY CITING TO AND RELYING UPON THE "DOA ORDERS" BY REFERENCE TO CASE NO. 05-CV-574, D.I. 3, 15 (SEE 06-CV-178, D.I. 6, BOTTOM OF PG. 3).

34. WHILE KAISER HAS ADOPTED THE USDC'S POSITION, THE ISSUE OF THE PETITIONER'S IFP BAR, BY A CLAIMED "3-STRIKES," IS NOT PROPERLY BEFORE THE COURT BY WAY OF A KAISER NOTICED MOTION, SUPPORTED BY SUFFICIENT ADMISSABLE

EVIDENCE, TO CAUSE THE BURDEN TO SHIFT TO THE PETITIONER, OR TO CREATE AN ACTUAL ARTICLE III CONTROVERSY, SEE DELEON v. DOE, 361 F.3d 93, AT 95 (2nd Cir 2004) (HOLDING THAT THE USDC ACTS IN A CLEAR ABSENCE OF ALL JURISDICTION, WHEN THE COURT DECLARES A "3-STRIKE" DISMISSAL, ON A SUA SPONTE BASIS, WITHOUT A NOTICED MOTION, FROM THE OPPOSING LITIGANT, SUPPORTED BY ADMISSABLE EVIDENCE). LIKE IN DELEON, THIS USDC HAS INVOLVED ITSELF IN A DISPUTE THAT MIGHT NEVER HAVE ANY PRACTICAL CONSEQUENCES, AS A "3-STRIKE" IIP DEFENSE CAN BE WAIVED.

35. IN THE CAPTIONED CASES, THE USDC HAS WRONGFULLY INVOLVED ITSELF, AS KAISER'S ADVOCATE (NOW ENDORSED BY KAISER) IN A POTENTIAL DISPUTE THAT HAD NO ACTUAL ARTICLE III CONTROVERSY, WHICH NOW SUBJECTS THE CLAIMED "DOA ORDERS" TO THE PETITIONER'S COLLATERAL ATTACK, INVOLVING MULTIPLE "FUNDAMENTAL INTERESTS" OF THE PETITIONER, INTO THE LITIGATION WITH KAISER.

36. THE USE OF THE "DOA ORDERS" AGAINST THE PETITIONER, HAS INVOKED MULTIPLE "FUNDAMENTAL INTERESTS" OF THE PETITIONER, IN THESE

ACTIONS, INCLUDING PETITIONER'S FUNDAMENTAL RIGHT TO A WAIVER OF COSTS & FEES AND MANDATORY ACCESS TO THE COURT TO CHALLENGE:

- ① A "VOID AB IN MO" 12/8/03 DIVORCE DECREE, ENTERED EX PARTE w/o NOTICE OR OPPORTUNITY TO THE PARTIES, WHICH GRANTED RELIEF IN EXCESS OF THAT ALLOWED BY AN EX-EXISTING "SEPARATION CONTRACT" (SEE EX. 2, ITEM "U", "SEPARATION CONTRACT", ENFORCEABLE IN THIS ACTION AGAINST THE "DOA ORDERS" BY R.C.W. 26.09.070(6) AND U.S. CONST. ART IV §1);
- ② A "VOID AB IN MO" ~~PERMANENT RESTRAINING~~ (SEE BODDIE v. CONNECTICUT, 401 U.S. 371 (1971));
- ③ A "VOID AB IN MO" PERMANENT RESTRAINING ORDER, TERMINATING PETITIONER'S PARENTAL RIGHTS (SEE M.L.B. v. S.L.T., 519 U.S. 102 (1996));
- ④ A "VOID AB IN MO" ORDER, ISSUED w/o BASIS IN FACT OR LAW, AND IN A CLEAR ABSENCE OF ALL JURISDICTION, TAKING PETITIONER'S LIBERTY (SEE MAYER v. CHICAGO, 404 U.S. 189 (1971)).

37. THE GRANTING OF FULL FAITH & CREDIT TO THE "DOA ORDERS" VIOLATES THE PETITIONER'S CONSTITUTIONALLY PROTECTED "VESTED RIGHTS" ESTABLISHED BY THE "FOREIGN JUDGMENTS" (EX. 2), WHICH CREATE A DUE PROCESS-PROTECTED PROPERTY INTEREST, UNDER THE 5TH & 14TH AMEND., (SEE ANDRE v. CO. OF NASSAU, 311 F. SUPP. 2d 325, AT 335, HEADNOTE [5] (E.D. NY 2004) CITING TO BENJAMIN v. JACOB SON, 124 F.3d 162, AT 176 (2nd Cir. 1997)); HODGES v. SNYDER, 261 U.S. 600, AT 603 (1923)).

38. THE USE OF 28 U.S.C § 1915(g) (2000) (LEGISLATION ADOPTED IN 2000) AND THE "DOA ORDERS" AGAINST THE PETITIONER VIOLATES THE JUDGMENT CREDITORS RIGHTS UNDER THE UNITED STATES CONSTITUTION'S CONTRACT CAUSE, SEE U.S. CONST, ART I § 10. SEE EX. 2, ITEMS b, c, d, e, f, m & o WHICH ARE FINAL JUDGMENTS WHICH WERE ENTERED, PRIOR TO THE ADOPTION OF § 1915(g) IN 2000. MCCULLOUGH v. VIRGINIA, 172 U.S. 102, AT 123-24 (1898) (IT IS NOT WITHIN THE POWER OF CONGRESS TO TAKE AWAY RIGHTS THAT HAVE BEEN VESTED BY FINAL JUDGMENT, ONCE AN ACTION PASSES TO FINAL JUDGMENT THE POWER OF THE CONGRESS TO DISTURB THE VESTED RIGHTS THEREBY CREATED CEASES). AS SUCH THE JUDGMENT CREDITOR IS "VESTED RIGHTS" CREATED BY THE FINAL JUDGMENTS LISTED ON EX. 2, CAN NOT BE RESTRICTED, BY DENYING THE JUDGMENT CREDITOR ACCESS TO THIS COURT, TO ENFORCE HIS "VESTED RIGHTS" PROTECTED BY U.S. CONST. ART 4 § 1 (FULL FAITH & CREDIT CONTRACT) AND U.S. CONST. ART. I § 10 (CONTRACT CAUSE),

SEE HOBES V. SNYDER, 261 U.S., 600,  
 AT 603-04 (1923) (THE PRIVATE RIGHTS  
 OF PARTIES TO LITIGATION WHICH HAVE BEEN  
 ESTABLISHED AND "VESTED" BY THE  
 JUDGMENT OF A COURT, CANNOT BE  
 TAKEN AWAY BY SUBSEQUENT  
 LEGISLATION, BUT MUST BE THEREAFTER  
 ENFORCED BY THE COURT REGARDLESS  
 OF SUCH LEGISLATION). AS SUCH THIS  
 COURT MUST ENFORCE THE 7 SEPARATE  
 FINAL JUDGMENTS (EX, 2, ITEMS B, C, D,  
 E, F, M & O) WHICH PRE-DATE THE 2000  
 ENACTMENT OF § 1915(Q), NOT  
 WITHSTANDING THE "DOA ORDER"  
 WHICH PURPORT TO BAR ENFORCEMENT;  
 AND MUST ALSO ENFORCE THE REMAINING  
14 SEPARATE FINAL JUDGMENTS AND  
 FINAL CONSENT DECRESSES, AS THEY  
 SIMPLY ENFORCE, EXPEND AND FURTHER  
 "VEST" THE RIGHTS VESTED BY THE  
 ORIGINAL 7 FINAL JUDGMENTS. AS  
 SUCH THIS COURT HAS A MANDATORY  
 TO EXERCISE ITS AUTHORITY TO  
 GRANT THE JUDGMENT CREDITOR'S  
 COLLATERAL ATTACK ON THE  
 "DOA ORDERS", TO VACATE AND  
 DECLARE THE "DOA ORDERS" TO  
 BE UNCONSTITUTIONALLY "VOID AB  
 INITIO" AND TO FORGE WITH  
 GRANT FULL FAIR & CREDIT

TO THE 21 SEPARATE "FOREIGN  
 JUDGMENTS", THEREBY ENFORCING  
 THE JUDGMENT CREDITOR'S  
 "VESTED RIGHTS" AND HIS  
 "FUNDAMENTAL INTERESTS" THAT  
 HAVE PLACE AT STAKE" OR AT  
 RISK IN THESE ACTIONS, BY  
 KAISER'S USE (THROUGH THE  
 ADVOCACY OF THE USDX) IN THESE  
 ACTIONS OF THE "DOA ORDERS";  
 TO DENY THE APPELLANT AND  
 JUDGMENT CREDITOR HIS  
 STATUTORY RIGHT TO REVIEW  
 AND APPEAL, OF THE BANKRUPTCY  
 COURT'S "RE-CLASSIFICATION" AND  
"REDUCTION" OF THE PETITIONER'S  
<sup>ALLOWED</sup>  
~~ACCREDITED~~ CLAIM (CLAIM # 736)

39. THE USE OF THE DOA ORDERS  
 TO DENY THE PETITIONER ACCESS  
 TO THIS COURT, FURTHER VIOLATES  
 THE PETITIONER'S RIGHTS TO WORK  
 IN HIS COURT-APPOINTED OCCUPATION  
 AS THE GENERAL MANAGER OF THE  
 REORGANIZED DEBTOR, UNDER THE  
 FOREIGN JUDGMENTS, ~~THE~~ PETITIONER  
 WHICH IS PROTECTED BY THE

DUE PROCESS OR LAW PROVISIONS OF  
 THE U.S. CONST 5<sup>TH</sup> & 14 AMEND.  
 THE "FOREIGN JUDGMENTS" (EX. 2,  
 ITEMS, 4, 9, R, & S) ESTABLISH A  
 DIFFINITIVE PROPERTY IN PESTEST IN  
 PETITIONER'S CONTINUED EMPLOYMENT,  
 AS AN ARM-OF-THE-COURT, CHARGED WITH  
 THE EXECUTION & ENFORCEMENT OF  
 THE "FOREIGN JUDGMENTS"; AND THESE  
 FINAL JUDGMENTS AND FINAL CONSENT  
 DECREES ~~SHOULD~~ ESTABLISH AN  
 EXPRESSED CONTINUING FORMAL  
 CONTRACT OF EMPLOYMENT, RECOGNIZED  
<sup>FEDERAL AND</sup>  
 BY STATE LAW, STATUTE, RELOCATION  
 AND RULE (SEE EX. 2, ITEM "9", ~~REG~~  
 LAST 2 PGS) (SEE BISHOP V. WOOD, 426 U.S.  
 341 (1976)). THE PETITIONER'S "RIGHT TO  
 WORK" IN HIS COURT ORDERED EMPLOYMENT  
 OF THE EXECUTION AND ENFORCEMENT  
 OF THE "FOREIGN JUDGMENTS", IS THE  
VERY ESSENCE OF THE PERSONAL  
 FREEDOM AND OPPORTUNITY THAT IT  
 WAS THE PURPOSE OF THE 5<sup>TH</sup> & 14<sup>TH</sup>  
 AMENDMENTS, TO SECURE, (SRR  
TRUAX V. RAICH, 239 U.S. 33, AT 41  
 (1915)). THE RESULT OF THIS COURT'S  
 ENFORCEMENT OF THE "DOA ORDERS"  
 IS AN ACTION BY THE GOVERNMENT  
 (THROUGH THE USDC) TO DISCHARGE THE

PETITIONER, FOR SIMPLY HAVING SOUGHT TO DO HIS COURT ORDERED JOB OF ENFORCING AND EXECUTING ON THE 21 SEPARATE "FOREIGN JUDGMENTS". EX-2, ITEM "9" ANSWERS THE PETITIONER, AS A FINAL JUDGMENT CONTINUED EMPLOYMENT, UNTIL THE "FOREIGN JUDGMENTS" ARE SUCCESSFULLY AND FULLY EXECUTED ON AND ENFORCED, THE SUA SPONTE "DOA ORDERS", AND THE APPLICATION OF § 1915(3) CAN NOT BE USED TO INTERFERE WITH THIS "VESTED RIGHT" OF CONTINUED EMPLOYMENT, AWARDED TO PETITIONER BY FINAL JUDGMENT.

#. D. PETITIONER IS SUFFERING IRREPARABLE HARM WARRANTING IMMEDIATE INJUNCTIVE RELIEF

40. - AS A MATTER OF LAW THE CONTINUOUS DEPRIVATION OF A SINGLE CONSTITUTIONAL RIGHT CONSTITUTES IRREPARABLE HARM. ELROD V. BURNS, 427 U.S. 347 AT 373 (1976). IN THIS CASE, IT IS CLEAR THAT THE PETITIONER HAS SUFFERED ~~REPEATED~~ MULTIPLE PAST AND ONGOING VIOLATIONS OF CONSTITUTIONALITY. THE CONSTITUTIONAL

AS A RESULT OF THE SOA SANCTE  
 ISSUANCE AND ENFORCEMENT OR  
 THE "DOA ORDERS," AS SUCH  
 PETITIONER HAS ESTABLISHED A  
 "PRESUMPTION OF IRREPARABLE" THAT  
 IS FLOWING FROM THE MULTIPLE  
 VIOLATIONS OF THE PETITIONER'S  
 FUNDAMENTAL CONSTITUTIONAL  
 RIGHTS BY THE SOA SANCTE  
 ISSUANCE AND ENFORCEMENT  
 OF THE "DOA ORDERS", SEE  
JOLLY V. COOCHKLIN, 76 F.3d 468,  
 AT 482 (2<sup>nd</sup> CIR 1996). EVEN A  
 TEMPORARY DEPRIVATION OF A CONSTITUTIONAL  
 RIGHT IS GENERALLY SUFFICIENT  
 TO PROVE IRREPARABLE HARM, SEE  
NAT'L PEOPLES ACTION V. WILMETTE  
 914, F.2d 1008, AT 1013 (7<sup>th</sup> CIR. 1990);  
ROSS V. MEESTER, 818 F.2d 1132, 1135  
 (4<sup>th</sup> CIR 1987) (NOTING THAT DEPRIVATION  
 OF ANY CONSTITUTIONAL RIGHT AMOUNTS TO  
 IRREPARABLE HARM); MITCHELL V.  
 CUOMO, 748 F.2d 804, AT 806 (2<sup>nd</sup>  
 CIR 1984) (HOLDING THAT EVEN AN  
 ALLEGED VIOLATION OF A CONSTITUTIONAL  
 RIGHT IS A SHOWING OF IRREPARABLE  
 HARM).

E. THE BALANCE OF HARSHKIDS  
FAVORS THE PETITIONER

41. IN DECIDING WHETHER TO  
 GRANT THE REQUESTED TRO/OSCE & P.I.

THE USDC COURT MUST ASK WHETHER  
 THE SUFFERING OF THE MOVING PARTY,  
 IF THE MOTION IS DENIED, WILL  
 OUTWEIGH THE SUFFERING OF THE  
 NON-MOVING PARTY (KAISER) IF THE  
 MOTION IS GRANTED. KAISER IS NOT A  
 DIRECT PARTY IN INTEREST AS TO THE "FOREIGN  
 JUDGMENTS", AND WOULD NOT SUFFER ANY  
 HARSHSHIP BY THE ISSUANCE OF THE REQUESTED  
 TRO/OSC & P.I., OTHER THAN HAVING TO  
 LITIGATE THE ISSUES OF THE BANKRUPTCY COURT'S  
"RECLASSIFICATION" AND "REDUCTION" ON THE  
 MERITS, IN THIS APPEAL. THE PETITIONER WILL  
 GREAT AND IRREPARABLE HARSHSHIP BY THE  
 COURT REFUSING TO ISSUE THE REQUESTED  
 INJUNCTION, AS THIS COURT'S ENFORCEMENT  
 OF THE SCA SPONTE & EX PARTE "D.O.A.  
 ORDERS" WILL INVALIDATE THE JUDGMENT  
 CREDITOR'S "VESTED RIGHTS" IN THE  
 "FOREIGN JUDGMENTS" IN THIS DISTRICT, AND  
 WILL CAUSE THE PETITIONER FURTHER  
 IRREPARABLE HARM AND HARSHSHIP TO  
 THE RESTORATION OF HIS LOST <sup>LIBERTY AND</sup> COMMUNITY  
 PROPERTY, AND MORE IMPORTANTLY HIS  
 LOST PARENTAL RIGHTS, AND TIME WITH  
 HIS MINOR CHILDREN, WHICH WILL BE  
 PLACED HOMELESSLY AT RISK ~~AND~~ OR  
 BEING FOREVER LOST, WHICH IS  
 A HARSHSHIP AND LOSS WHICH CAN NOT  
 BE REMEDIED BY A ~~THE~~ SUBSEQUENT  
 MONEY JUDGMENT. THE PETITIONER'S  
 PG 29 OR ~~\$~~35

LOST TIME WITH HIS MAJOR CHILDREN, CAN NEVER BE RESTORED, PARTICULARLY AS THE CHILDREN APPROACH THE AGE OF MAJORITY. PETITIONER'S MOST SACRED RIGHT, A RIGHT GREATER THAN LIFE ITSELF ~~IS AT RISK IN~~ HAS NOW BEEN PLACED AT RISK IN THIS ACTION BY THE COURT'S MISPLACED ATTEMPTS TO ENFORCE THE "DOA ORDERS" WHICH MAY ACT TO FULLY TERMINATE THE PETITIONER'S PARENTAL RIGHTS, A HARM AND LOSS GREATER THAN ANY OTHER CONCIMINABLE.

F. THE PETITIONER IS LIKELY TO SUCCEED ON THE MERITS

42. THE PETITIONER HAS A GREAT LIKELIHOOD OF SUCCESS ON THE MERITS IN THIS APPEAL. THE RECORD WILL SHOW AND ESTABLISH THAT THE BANKRUPTCY COURT'S "RE-CLASSIFICATION" AND "REDUCTION" OF THE PETITIONER'S ALLOWED CLAIM, WAS NOT MADE UPON ANY IDENTIFIABLE FACTS, EVIDENCE OR DIPENDA. THE DEBTOR ~~KÄSTER~~ SIMPLY DECLARED THAT THE PETITIONER'S <sup>ALLOWED</sup> CLAIM SHOULD BE RE-CLASSIFIED AND REDUCED, STATING SIMPLY THAT KAISTER HAS "DETERMINED"

THAT THE ACCOURED CLAIM SHOULD BE RECLASSIFIED AND REDUCED, WITHOUT CITING TO A SINGLE FACT OR LEGAL AUTHORITY. THE PETITIONER'S CLAIM WAS ARBITRARILY RECLASSIFIED AND REDUCED, IT WILL BE SHOWN, IN "MASS," w/ 32 OTHER CLAIMS, w/o ANY ANALYSIS, BASIS, SUPPORTING FACTS BEING CITED TO BY KAISER OR THE COURT. THE RECORD WILL FURTHER ESTABLISH THAT THE PETITIONER'S DUE PROCESS RIGHTS WERE VIOLATED, AND THAT THE APPLICABLE STANDARDS, PURSUANT TO FRBP 3007, LOCAL RULE 3007-1, 11 U.S.C. § 507 AND OTHER PROVISIONS OF THE BANKRUPTCY CODE AND CASES OTHER THAN KAISER'S UNREPORTED, UNQUOTED, "DETERMINATION" THAT THE PETITIONER'S ACCOURED CLAIM SHOULD BE RE-CATEGORIZED AND REDUCED, (WHICH IS AN INSUPPORTED ASSERTION, OR "BLANKET" CLAIM) THERE WAS NO BASIS FOR THE BANKRUPTCY COURT'S ORDER. SEE LONGSTRETH v. MAYNARD, 961 F.2d 875, AT 903 (10TH CIR 1992); ENG v. SMITH, 849 F.2d 80, AT 81 (2ND CIR 1988).

G. THE RELIEF SOUGHT WILL  
SERVE THE PUBLIC INTERESTS

43. THE PUBLIC INTEREST IS SIGNIFICANTLY SERVED BY THE ENFORCEMENT OF PREVIOUSLY "VESTED" AND FULLY ADJUDICATED RIGHTS, AS THE PETITIONER AND JUDGMENT CREDITOR HAS AT STAKE IN THIS ACTION, NOW THAT MULTIPLE FUNDAMENTAL CONSTITUTIONAL INTERESTS OF THE PETITIONER HAVE BEEN PLACED "AT STAKE" AND AT RISK BY THE COURT ENFORCEMENT OF THE "VOID AB INITIO", SUA SPONTE AND EX PARTE "DOA ORDERS," ENTERED IN A CLEAR ABSENCE OF ALL JURISDICTION AND CONTRARY TO ESTABLISHED CONSTITUTIONAL PROVISIONS, STATUTES AND AUTHORITY. SEE LIEWELYN v. OAKLAND CO. PROSECUTOR 402 F.Supp. 1379, AT 1393 (E.D. MICH 1975) ("THE CONSTITUTION IS THE ULTIMATE EXPRESSION OF THE PUBLIC INTEREST") TLQ INVESTMENTS, INC. v. CITY OF ROCHESTER 816 F.Supp. 516, AT 527 (D.MICH. 1993) ("UPHOLDING CONSTITUTIONALLY GUARANTEED RIGHTS IS IN THE PUBLIC INTEREST") HERE, THE PUBLIC INTEREST WOULD BE SERVED AND VIOLATED BY NOT ISSUING THE

REQUESTED TRO/OSCE & P.I.

H. PENTON FOR SHOULD NOT BE  
REQUIRED TO POST SECURITY SINCE KASER  
WILL NOT SUFFER MONETARY LOSS BY ATTITUDE

44. THE COURT SHOULD WAIVE  
ANY REQUIREMENT FOR SECURITY TO  
BE POSTED BY THE PENTON FOR /  
JUDGMENT CREDITOR, FIRST BECAUSE  
THE PENTON FOR IS INNOCENT AND  
UNABLE TO POST SECURITY, AND THE  
COURT HAS DISCRETION TO EXCUSE AN  
IMPROVISED LITIGANT FROM POSTING  
SECURITY, SEE GRANTES - HERNANDEZ.

SMITH, 541 F. SUPP. 351, AT 385 N. 30  
(C.D. CAL. 1982); J.L. v. PARHAM, 412  
F. SUPP. 112, AT 140 (N.D. GA 1976),

SECONDLY, AND MOST IMPORTANTLY,  
KASER WILL NOT SUFFER ANY  
MONETARY LOSS, BY THE ISSUANCE  
OR THE TRO/OSCE & P.I., OTHER  
THAN THE COST TO LITIGATE THE  
ABOVE ISSUES ON THEIR MERITS.  
SEE COTTER v. COAHOMA CO. 805 F. SUPP.  
398, AT 408 (N.D. MISS. 1992); U.S. v.  
STATE OF OREGON, 675 F. SUPP. 1249,  
AT 1253 (D. OR. 1987).

CONCLUSION

FOR ALL OF THE FOREGOING REASONS  
THE COURT SHOULDN'T WANT THE REQUESTED  
TRO/OSCE & P.I. IN THE INTERESTS OF JUSTICE  
TO PREVENT A MISCHIEVOUS OR JUSTICE.

DATED: 4/20/06 PG 33 OF 35

# FOREIGN JUDGMENTS

## EXHIBIT "Z"

### AUTHENTICATION & REGISTRATION THEREOF:

1. a. NOTICE of Filing of "Assignment of Interests in Bankruptcy Court Judgments Rendered in Another District, for the Benefit of Creditors, in aid of the Judgment, and in the aid of the Enforcement and Execution Thereof", filed 3-22-02 in Misc Case No 02-02, filed as Docket #535, on March 22, 2002, in Case No. 01-06073-W11, USBC-ED-WA;
2. b. "Order Approving Disclosure Statement and Fixing Time for Filing Acceptances or Rejections of Plan, Combined With Notice Thereof", (hereinafter "Broadway Disclosure Statement"), entered December 21, 1998, as Docket #112 in Case No. LA 98-18082-SB, USBC-CD-CA-LA;
3. c. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan", (hereinafter "Broadway's First Plan w/Discharge"), entered March 19, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, as Docket #129, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service on Counsel;
4. d. "Order Approving 'Judgment Creditors' Second Amended Chapter 11 Plan (As Modified)", (hereinafter "Broadway's Second Plan"), entered June 16, 1999, in Case No. LA 98-18082-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
5. e. "Findings of Fact and Conclusions of Law in Support of Order Disallowing Claims of John H. Smith and Robert Hayes", (hereinafter "Fraudulent Deed Findings"), entered December 29, 1998, in Adversary Case No. AD-98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of
6. f. Mailing and Proof of Service;  
"Judgment and Order Pursuant to Summary Judgment Motions", (hereinafter "Fraudulent Deed Judgment"), entered December 29, 1998, in Adversary Case No. AD 98-01685-SB, USBC-CD-CA-LA, along with the Clerk's Notice of Entry of Judgment or Order and Certificate of Mailing and Proof of Service;
7. g. "Stipulated Order Re: Liability and Damages", entered October 30, 2000 in Case No: CS-97-435-RHW, USDC-ED-WA;
8. h. Writ of Obedience #02-0001, issued May 31, 2002, in Spokane County Superior Court Case No. 02-2-02825-4; ~~DOC #14, FILED 10/21/04~~ @
9. i. Writ of Obedience #02-0002, issued June 6, 2002, in Case No. 02-2-02825-4; ~~DOC #15~~ @
10. j. Writ of Obedience #02-0003, issued June 7, 2002, in Case No. 02-2-02825-4; ~~DOC #16~~ @
11. k. Writ of Obedience #02-0004, issued June 12, 2002, in Case No. 02-2-02825-4; ~~DOC #17~~ @
12. l. Writ of Obedience #02-0005, issued July 18, 2002, in Case No. 02-2-02825-4. ~~DOC #18~~ @
13. m. ORDER denying relief from stay Re: Item # 41, with Notice of Entry, filed 1/11/2000 as Docket #137, incorporating therein "Opposition Re: Item # 41, to motions to lift stay: opposition to motion to annul stay, filed 12/9/1999, as Docket #94", and incorporating "Opposition Re: Item # 57, to motion to lift stay and to motion to annul, filed 12/10/1999, as Docket #95"; all filed in Case No. LA 99-39555-SB, USBC-CD-CA-LA;
14. n. BAP/USDC appeal judgment - the Bankruptcy Court judgment is AFFIRMED. BAP #CC-00-1049 RE: Item #154, filed 1/16/2001, as Docket #359, Case No. LA 99-39555-SB, USBC-CD-CA-LA;
15. o. ORDER Granting Debtors Motion to Strike Liens, filed 9/15/1998, as Docket #199, in Case No. 96-02980-K11, USBC-ED-WA;
16. p. NOTICE of Filing of "Request to Clerk for Registration of Judgment Rendered in Another Court, filed 3-21-02 as Misc Case No. 02-01 (02-01731 DJM \$), filed 3/27/2002, as Docket #536, Case No. 01-06073-W11, USBC-ED-WA;
17. q. EXHIBIT J Admitted at hearing on 12-5-01, re: Amendment to Settlement Agreement and Mutual Release and Personal Services Contract Effective 5-24-01 between Duncan J McNeil and Broadway Buildings II LP. Re: Oust Motin to Convert Case to Ch 7, Docket #44 & Joinder therein Docket #212, as Docket #459, Case No. 01-06073-W11, USBC-ED-WA;

(⑧ DOCT'S REFER TO "PACER" DOCKET NUMBERS FOR CASE NO:  
 2:04-cv-00427-aam, USDC

EASTERN DISTRICT  
OF WASHINGTON

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~~FOREIGN JUDGMENTS~~ EX-2  
(PG 2 OF 2)

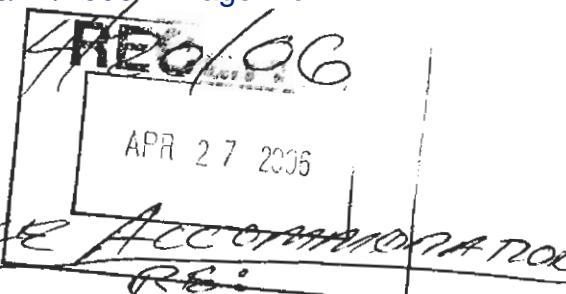
- 1 r. EXHIBIT J Admitted at hearing on 12-5-01; Re: Amendment to Settlement
- 2 Agreement and Mutual Release and Personal Services Contract, effective 8-17-01
- 3 between Duncan J McNeil, GMFT Reorganization Corporation, and Broadway
- 4 Buildings II LP RE: Oust Motion to Convert Case to Ch 7, Docket #44 and Joinder
- 5 therein Docket #212, filed 1/4/2002, as Docket #460, Case No. 01-06073-W11,
- 6 USBC-ED-WA;
- 7 s. PROPOSED Exhibit "D-D" to Supplement Exhibits offered at hearing on 12-5-01;
- 8 RE: 1) Standard Form 95 Claim for Damages filed by Duncan J McNeil 11-23-99
- 9 with the Oust-Ed-WA, in the Sum of \$5211.926, ...., filed 2/6/2002, as Docket
- 10 #'s 506, 506A, Case No. 01-06073-W11, USBC-ED-WA;
- 11 t. PROPOSED Exhibit "I-I" to Supplement Exhibits offered at hearing on 12-5-01; re:
- 12 1) Standard Form 95 Claim for Damages filed by Duncan J. McNeil on 3-6-98 with
- 13 the Oust-Ed-WA, in the sum of \$4,651,000. Re: Oust Motion to Convert Case to Ch
- 14 7, Docket #44 and Joinder therein Docket #212, filed 2/11/2002, as Docket #512,
- 15 Case No. 01-06073-W11, USBC-ED-WA;
- 16 u. (1) NOTICE of Separation Contract & Dissolution of Marriage Contract Pursuant to
- 17 RCW 26.0-9.070 filed 7-26-01 as Document #4613783 with the County Recorder for
- 18 Spokane County, Washington, (pages 1 of 29 to 29 of 29); (2) JOINT Petition for
- 19 Dissolution of Marriage, filed 7-26-01 in Case No. 01-301586-7 (pages 2 of 29 to 5
- 20 of 29; 3) SEPARATION Contract and Dissolution of Marriage Contract Pursuant to
- 21 RCW 26.09.070, filed 7-26-01 in Case No. 01-301586-7, (pages 6 of 29 to 29 of 29),
- 22 filed 2/6/2002, as Docket #505, Case No. 01-06073-W11, USBC-ED-WA;
- 23 v. ~~Decree of Dissolution of Marriage, entered [REDACTED] in Spokane County Superior Court~~
- 24 ~~Case [REDACTED], except those portions of the decree that were entered in violation~~
- 25 ~~of law, and in violation of the Complainant's civil and constitutional rights, as a~~
- 26 ~~parent.~~

AUTHENTICATION & REGISTRATION OF JUDGMENTS

I, DUNCAN J. MCNEIL III, AM THE LAWFUL OWNER  
OF THE FOREGOING LISTED "FOREIGN JUDGMENTS"  
AND I HEREBY CERTIFY THAT TRUE AND CORRECT  
COPIES OF THESE "FOREIGN JUDGMENTS" ARE ON  
FILE IN THE IDENTIFIED ACTIONS AND DOCKET #'S  
AND THAT THESE "FOREIGN JUDGMENTS" ARE  
OFFICIALLY PUBLISHED ON THE COURT'S "PACER"  
SYSTEM, PURSUANT TO FRCP 44(a)(1) AND FRE  
RULE 201(d)(2) AND ARE THE "OFFICIAL PUBLICATIONS  
THEREOF". BY THIS MOTION/PETITION/APPLICATION  
I REQUEST THAT THE CLERK OF THIS COURT  
PRINT, FILE AND REGISTER THESE "FOREIGN  
JUDGMENTS" FROM THE COURT'S "PACER" SYSTEM  
AND THAT THESE "FOREIGN JUDGMENTS" BE  
GRANTED FULL FAITH & CREDIT IN THIS COURT  
PURSUANT TO 28 USC § 1963, 28 USC § 1732 AND  
U.S. CONST. ART. IV § 1 (AND THE APPLICABLE STATE  
LAW/JAO). I DECRAVE THE FOREGOING TO BE TRUE  
AND CORRECT, UNDER THE PENALTY OF PERJURY.

DATED: 4/20/06

DOCUMENT SIGNATOR



TO: CLERK D-  
USDC-D-DE  
REQUEST FOR REASONABLE ACCOMMODATION  
AS A REASONABLE ACCOMMODATION TO MY ESTABLISHED DISABILITY (PER ADA & SECTION 508)  
I AM REQUESTING THAT THE CLERK PROVIDE ME A COPIED COPY OF THIS URGENT MOTION (BY MAIL) AND THAT THE CLERK ELECTRONICALLY FILE THIS MOTION, AND ELECTRONICALLY SERVE COPIES OF SAID MOTION ON ALL PARTIES TO THE REFERENCED HONORABLE JUDGE.  
THANK YOU FOR ACCOMMODATING MY ESTABLISHED DISABILITY.



DUNCAN T. MCNEIL  
SOUTHERN CO. TAIR  
1100 CO. MASON  
SPOKANE, WA 99260

C L E R K  
US DISTRICT COURT  
LOCK BOX 27  
844 KING ST.  
WILMINGTON, DE 19801

LAW MAIL